

No. 23-55742

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

PAINTERS & ALLIED TRADES DISTRICT COUNCIL 82 HEALTH, ET AL.,
Plaintiff-Appellee,

v.

TAKEDA PHARMACEUTICAL COMPANY LIMITED, ET AL.,

Defendants-Appellants.

On Appeal from the United States District Court for the Central
District of California, No. 2:17-cv-07223, Hon. John. W. Holcomb

**DEFENDANTS-APPELLANTS' UNOPPOSED MOTION FOR
EXTENSION OF TIME TO FILE OPENING BRIEF**

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Pursuant to Federal Rule of Appellate Procedure 26(b) and Circuit Rule 31-2.2(b), Defendants-Appellants Takeda Pharmaceutical Company Limited, Takeda Pharmaceuticals USA, Inc., and Eli Lilly and Company respectfully move for a 16-day extension of time to file their opening brief in this matter, from January 3, 2024 to January 19, 2024. As described in the attached Declaration of Andrew Soukup, this motion is based on a showing of diligence and substantial need. Counsel for Plaintiff-Appellee Painters & Allied Trades District Council 82 Health has stated that they do not object to Defendants-Appellants request for a 16-day extension of time to file the opening brief.

Dated: January 3, 2024

Respectfully submitted,

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**DECLARATION OF ANDREW SOUKUP IN SUPPORT OF
DEFENDANTS-APPELLANTS' UNOPPOSED MOTION FOR
EXTENSION OF TIME TO FILE OPENING BRIEF**

I, Andrew Soukup, declare and state as follows:

1. I am a Partner at Covington & Burling, LLP and counsel of record for Defendants-Appellants Takeda Pharmaceutical Company Limited and Takeda Pharmaceuticals USA, Inc. in this appeal. I am licensed to practice law in Washington, D.C. and admitted to practice before this Court. The matters set forth herein are true and correct based on my own personal knowledge. If called as a witness, I could and would competently testify thereto.

2. In accordance with Circuit Rule 31-2.2(b), I submit this declaration in support of Defendants-Appellants' Unopposed Motion for Extension of Time to File Opening Brief.

3. Defendants-Appellants' opening brief was originally due on December 4, 2023. Dkt. No. 2.

4. On November 10, 2023, Defendants-Appellants filed a streamlined request for extension of time pursuant to Circuit Rule 31-2.2(a). Dkt. No. 11. That request was granted on November 13, 2023, and a new due date of January 3, 2024 was assigned. Dkt. No. 12.

5. Defendants-Appellants now seek an additional 16-day extension of time, until January 19, 2024, to file their opening brief.

6. The extension is necessary to allow the various counsel for Takeda Pharmaceutical Company Limited, Takeda Pharmaceuticals USA, Inc., and Eli Lilly and Company to coordinate and finalize the opening brief. Holiday schedules surrounding the current January 3, 2024 due date, as well as personal and professional commitments by the parties and their counsel related to the holiday season, have made such coordination efforts more difficult than they otherwise would have been. Defendants-Appellants are undertaking these coordination efforts in order to align on a single joint opening brief, which will reduce the burden on the Court.

7. Defendants-Appellants have exercised diligence to prepare their opening brief by the current January 3, 2024 deadline. The requested 16-day extension of time is necessary to give counsel for Defendants-Appellants sufficient time to finalize that draft and obtain final client approval.

8. If the requested 16-day extension is granted, Defendants-Appellants will file the opening brief by the requested deadline of January 19, 2024.

9. The undersigned discussed this extension request with counsel for Plaintiff-Appellee Painters & Allied Trades District Council 82 Health on December 21, 2023. Counsel for Plaintiff-Appellee represented that they do not oppose the extension request.

10. To my knowledge the court reporter is not in default with regard to any designated transcripts in this case.

Executed this 21st day of December, 2023, in Washington, D.C.

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing/attached documents on this date with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit using the Appellate Electronic Filing system.

I certify that the following participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system:

December 21, 2023

/s/ Andrew Soukup
Andrew Soukup